

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
)
 No. 1:06-CR-88
v.)
)
 Chief Judge Curtis L. Collier
ERVIN L. MOORE)

O R D E R

On October 16, 2006, United States Magistrate Judge William B. Carter granted defendant Ervin Moore’s (“Defendant”) motion requesting a mental competency evaluation pursuant to 18 U.S.C. §§ 4241 and 4247 (Court File No. 15). On January 23, 2006, Judge Carter received Defendant’s Psychological Evaluation (Court File No. 22). Defendant and the Government have stipulated to the contents of the Psychological Evaluation, which recommends Defendant’s transfer to a Medical Referral Center for competency restoration (Court File No. 22, p. 11).

On February 15, 2007, after reviewing the Psychological Evaluation and noting that the Government had not objected to its contents or submitted contradictory evidence, Judge Carter submitted a Report and Recommendation (“R&R”) to the Court (Court File No. 20). The R&R recommends Defendant be found incompetent at the present time and be committed for mental health treatment and an attempt at competency restoration (Court File No. 20, pp. 2-3). Defendant has not filed objections to the R&R. The Government filed a Response (Court File No. 21), which avers the Government’s belief that Defendant is competent and malingering, but voices no objections to Defendant’s transfer to a Medical Referral Center for competency restoration.

Accordingly, this Court **ACCEPTS** and **ADOPTS** Judge Carter’s R&R (Court File No. 20) and hereby **ORDERS** Defendant be found incompetent to stand trial at this time. This Court

ACCEPTS and ADOPTS Judge Carter's recommendations numbered 1 through 3 (Court File No. 20, pp. 2-3), that Defendant be committed to the custody of the Attorney General for hospitalization, treatment, and an attempt at competency restoration.

SO ORDERED.

ENTER:

/s/

**CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE**